

PART 1800—PUBLIC ACCESS TO NACIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT (FOIA)

Subpart A—General

Sec.

- 1800.1 Authority and purpose.
- 1800.2 Definitions.
- 1800.3 Contact for general information and requests.
- 1800.4 Suggestions and complaints.

Subpart B—Filing of FOIA Requests

- 1800.11 Preliminary information.
- 1800.12 Requirements as to form and content.
- 1800.13 Fees for record services.
- 1800.14 Fee estimates (pre-request option).

Subpart C—NACIC Action on FOIA Requests

- 1800.21 Processing of requests for records.
- 1800.22 Action and determination(s) by originator(s) or any interested party.
- 1800.23 Payment of fees, notification of decision, and right of appeal.

Subpart D—Additional Administrative Matters

- 1800.31 Procedures for business information.
- 1800.32 Procedures for information concerning other persons.
- 1800.33 Allocation of resources; agreed extensions of time.
- 1800.34 Requests for expedited processing.

Subpart E—NACIC Action on FOIA Administrative Appeals

- 1800.41 Appeal authority.
- 1800.42 Right of appeal and appeal procedures.
- 1800.43 Determination(s) by Office Chief(s).
- 1800.44 Action by appeals authority.
- 1800.45 Notification of decision and right of judicial review.

AUTHORITY: 5 U.S.C. 552.

SOURCE: 64 FR 49879, Sept. 14, 1999, unless otherwise noted.

Subpart A—General

§ 1800.1 Authority and purpose.

This part is issued under the authority of and in order to implement the Freedom of Information Act (FOIA), as amended (5 U.S.C. 552); and section 102 of the National Security Act of 1947, as

amended (50 U.S.C. 403). It prescribes procedures for:

(a) Requesting information on available NACIC records, or NACIC administration of the FOIA, or estimates of fees that may become due as a result of a request;

(b) Requesting records pursuant to the FOIA; and

(c) Filing an administrative appeal of an initial adverse decision under the FOIA.

§ 1800.2 Definitions.

For purposes of this part, the following terms have the meanings indicated:

NACIC means the United States National Counterintelligence Center acting through the NACIC Information and Privacy Coordinator;

Days means calendar days when NACIC is operating and specifically excludes Saturdays, Sundays, and legal public holidays. Three (3) days may be added to any time limit imposed on a requester by this part if responding by U.S. domestic mail; otherwise ten (10) days may be added if responding by international mail;

Control means ownership or the authority of NACIC pursuant to federal statute or privilege to regulate official or public access to records;

Coordinator means the NACIC Information and Privacy Coordinator who serves as the NACIC manager of the information review and release program instituted under the Freedom of Information Act;

Direct-costs means those expenditures which an agency actually incurs in the processing of a FOIA request; it does not include overhead factors such as space; it does include:

(1) *Pages* means paper copies of standard office size or the dollar value equivalent in other media;

(2) *Reproduction* means generation of a copy of a requested record in a form appropriate for release;

(3) *Review* means all time expended in examining a record to determine whether any portion must be withheld pursuant to law and in effecting any required deletions but excludes personnel hours expended in resolving general legal or policy issues; it also